

REMARKS

Claims 2-4 and 13-16 are pending in this application. No amendment has been made.

(1) Applicants request the Examiner to consider the full context of the disclosure of Uchikawa et al. The Examiner asserts that the oral translation of paragraph [0036] of Uchikawa et al. by the PTO in-house translator, Steven Spar, was equivalent with the Schreiber's translation. However, Applicants believe that the translation of Schreiber Translation Inc. confuses the starting material, MnFe_2O_4 , with the final material, LiMn_2O_4 , as stated in the Applicant's Response filed on September 9, 2004.

As stated by the Applicant, paragraph [0036] of the Schreiber's translation is incorrect, which should be corrected as follows:

[0036]

It is also possible, furthermore, to obtain an anodic active material which includes LiMn_2O_4 ~~MnFe_2O_4~~ as a main component by using a composite oxide which includes MnFe_2O_4 ~~LiMn_2O_4~~ as a main component according to procedures otherwise identical to those in Application Embodiment 1.

As stated previously, this incorrectness is clear from the full context of the Uchikawa reference by referring to the rest of the Schreiber's translation, as follows:

In independent claim 1, Uchikawa et al. recites a method for manufacturing an anodic active material. At lines 3-11 of claim 1, Uchikawa et al. recite that "a solution" including a composition represented by AFe_2O_4 , where "A" represents Mn, Fe, Zn, Co, Ni, or Cr, and "another solution" including a lithium ion, inorganic salt including first metal element ion(s) selected from Co, Ni, Mn and Fe, and a complexifying agent are mixed together. At lines 9-10 of claim 1, the complexifying agent is recited to form a complex between lithium and the first metal element(s), that is selected from Co, Ni, Mn and Fe. At lines 11-13, Uchikawa et al. recite that "a solution" and "another solution" are mixed in such a way that the ratio of lithium ions and ions of the first metal element(s) will be $1:x$ ($0.5 \leq x \leq 1.0$) are obtained. Thus, the invention of Uchikawa et al. uses a ferrite as a starting material for producing the anodic active material, which is considered to be changed into the final anodic active material because "a solution" and "another solution" mixed such that the ratio of lithium ions and the first metal ions will be $1:x$ ($0.5 \leq x \leq 1.0$).

Claim 5, depending on claim 1 of the Schreiber's translation, recites the anodic active material including a main component represented by $LiMxO_2$ ("M" represents Co, Ni, Mn, or Fe

whereas $0.5 \leq x \leq 1.0$). Claim 6, depending on claim 1 of the Schreiber's translation, recites "by using a composite oxide which includes CoFe_2O_4 and NiFe_2O_4 as main components." Claim 7, depending on claim 1 of the Schreiber's translation, recites "by using a composite oxide which includes NiFe_2O_4 as a main components." As stated previously, Uchikawa et al. use a ferrite, as recited in claims 6 and 7, as a starting material, but since the ferrite is subjected to the method of claim 1, LiM_xO_2 , as recited in claim 5, is included as the final product of the positive active material. See the claims, [0015] to [0017], and [0021] to [0024].

In paragraph [0016] of the Schreiber's translation, the objectives of the invention of Uchikawa et al. are disclosed, that is, to provide an anodic active material and a method for manufacturing thereof by using a ferrite. See, in particular, page 15, line 1 of the Schreiber's translation.

At least from paragraph [0016], it would be understandable that the disclosure of Uchikawa et al. is directed to using a ferrite as a starting material for producing an anodic active material.

In addition, paragraph [0025] of the Schreiber's translation describes "Application Embodiment 1." In the Application embodiment 1," "Uchikawa et al. disclose that "a solution" including a composition represented by AFe_2O_4 , where "A" represents Mn, Fe, Zn, Co, Ni, or Cr, and "another solution" including a lithium ion, inorganic salt including first metal element ion(s)

selected from Co, Ni, Mn and Fe, and a complexifying agent are mixed together, as translated at lines 1-11 of page 18. The complexifying agent is disclosed to form a complex between lithium and the first metal element(s), that is selected from Co, Ni, Mn and Fe, as translated at lines 9 and 10 of page 18. "A solution" and "another solution" are disclosed to be mixed in such a way that the ratio of lithium ions and ions of the first metal element(s) will be 1:x ($0.5 \leq x \leq 1.0$) are obtained, as disclosed at lines 11-13 of page 18. Thus, the "application embodiment 1" of Uchikawa et al. is disclosed to use a ferrite as a starting material for producing the anodic active material.

In the same manner, paragraph [0036] must be consistent with the disclosure of the rest. Paragraph [0036] of the Schreiber's translation describes a modified embodiment of the "Application embodiment 1," which is disclosed at paragraph [0025]. Also, paragraph [0036] supports claim 7, while paragraph [0035] supports claim 6. If the Schreiber's translation at paragraph [0036] is correct, the disclosure at the paragraphs is inconsistent with the rest of the disclosure, in particular, paragraph [0025], because of paragraph [0036] is a modification of "application embodiment 1" of paragraph [0025], as disclosed that "otherwise identical to those in Application Embodiment 1."

Applicants request the Examiner to consider how bizarre paragraph [0036] of the Schreiber's translation is.

Thus, it is apparent that the Schreiber's translation at paragraph [0036] is incorrect if the rest thereof is considered, and therefore, the Examiner is requested to consider the full context of the Schreiber's translation, or the full translation prepared by the Applicants instead of the Schreiber's translation.

(2) If the Examiner still questions the assertion by the Applicants with respect to the incorrectness of the paragraph [0036], the Examiner is also requested to discuss with Mr. Steven Spar or another translator the paragraph and the full context of the translation. Upon discussion, please make sure what is a starting material and what is a final product in paragraph [0036].

(3) Even if maintaining the rejection or issuing a new rejection, Applicants request a non-final action, because the series of the Office Actions were due to the mistranslation by Schreiber Translation Inc. and Mr. Steven Spar, though the Applicants submitted an appropriate full translation at the Examiner's request.

In view of the above, claims 2-4 and 13-16 are in condition for allowance. Applicants request such action at an early date.


Application No. 09/926,067
Response dated November 4, 2004
Reply to Office Action of September 21, 2004

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP


Shuji Yoshizaki
Limited Recognition

SY/mt
1250 Connecticut Avenue, N.W., Suite 700
Washington, DC 20036
Tel: (202) 822-1100
Fax: (202) 822-1111

Attachment: Limited Recognition

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